

**MEDINA CITY COUNCIL
REGULAR MEETING
MINUTES**

August 9, 2004
7:00 p.m.

Medina City Hall
501 Evergreen Point Road

CALL TO ORDER:

Mayor Mary Odermat called the regular meeting of the Medina City Council to order at 7:11 p.m.

ROLL CALL:

Present:

Mayor Mary Odermat

Councilmembers Miles Adam, Katie Phelps, Robert Rudolph, Pete Vall-Spinosa

Absent and Excused:

Deputy Mayor Todd Nunn, Councilmember Drew Blazey

City Staff Present:

City Attorney, Kirk Wines; City Manager, Doug Schulze; Chief of Police, Jeff Chen;
Planning Director, Joseph Gellings; Public Works Director, Sheldon Jahn;
Administrative Assistant, Rachel Baker

APPROVAL OF MEETING AGENDA:

Mayor Odermat requested to move item J-3; "Consider Request for Reconsideration of Medina Elementary School Special Use Permit" up to item number one, all approved.

Councilmember Adam requested to move item J-7; "Mid-Year Financial Report" to item number two. No objections, all approved.

Councilmember Rudolph added new business item: "Council's Communication to Medina Citizens Regarding Property Acquisition".

City Manager, Schulze, suggested moving "New Business" items under "Approval of Meeting Agenda".

Mayor Odermat requested new business item "Public Works Trailer Location".

AWARDS AND PRESENTATIONS:

None. (7:16 p.m.)

ANNOUNCEMENTS:

1. Mayor: Mayor Odermat advised those present of Eastside Transportation Partnership Meeting this Friday, August 13th, at 7:30am at Unigard.
2. Council: None.
3. Staff: City Manager, Schulze welcomed all to attend Medina Days, beginning Tuesday, August 10th.

CONSENT AGENDA:

Councilmember Phelps addressed typographical error located on page 10 of regular meeting minutes (July 12, 2004) under "Public Works"; minutes should be corrected to read "...Dock Park on 84th ...".

MOTION BY RUDOLPH, SECOND PHELPS TO APPROVE CONSENT AGENDA (7:16 P.M.). FOLLOWING DISCUSSION, CONSENT AGENDA PASSED WITH ALL IN FAVOR AT 7:21 P.M.

AUDIENCE PARTICIPATION:

Mayor Odermat opened public discussion for non-agenda items.

Lucius H. Biglow Jr; 2425 76th NE, Medina (7:21 p.m.)

Mr. Biglow expressed his willingness to assist in fine-tuning the Dog Regulation Ordinance for park.

REPORTS:

Police Department (7:23 p.m.)

Discussion followed.

Development Services (7:39 p.m.)

No questions.

Public Works Department (7:39 p.m.)

Councilmember Adam thanked Public Works Director, Shel Jahn, for repairing railing at Viewpoint Park and an additional thank you (to both Mr. Jahn and Chief of Police, Chen) for temporary Seafair signage.

City Manager's Report (7:41 p.m.)

Discussion followed.

OTHER BUSINESS:

Consider Request for Reconsideration of Medina Elementary School Special Use Permit (7:47 p.m.)

Mayor Odermat opened item at the request of citizen Ron Santi. His motion for reconsideration was filed in a timely manner.

Mayor Odermat asked each council member if anyone had been contacted individually regarding this matter:

Councilmember Adam: No, only emails of public record.

Councilmember Phelps: No, only events prior to reconsideration.

Councilmember Rudolph: No, but was contacted via email by Mr. Santi offering to assist him with audiotape of public hearing. Due to an issue posed in appearance of fairness, Councilmember Rudolph declined.

Councilmember Vall-Spinosa: No, other than emails of public record.

Mayor Odermat: No, however, Mr. Santi offered to show her how to load/listen to audio, however, she made own notes. This was the extent of contact outside of council meetings on this matter.

All council members expressed that they can listen fairly to this matter.

Mayor Odermat turned meeting over to City Attorney, Kirk Wines, to clarify procedures to audience. Mr. Wines recommended not requiring a second hearing for the reconsideration.

Mr. Ron Santi; 7842 NE 86th, Medina

Mr. Santi requested Council to withhold transcripts from evidentiary value. (8:01 p.m.)

Mr. Wines stated there is nothing dispositive about Mr. Santi's motion and considers the transcripts a valuable tool. (8:03 p.m.)

Mr. Santi would like the record to reflect that the transcript is incomplete and has an objection to it being considered by Council because of the one-hour gap. (8:04)

Recess called at 8:06 p.m. to attempt to make contact with Councilmember Blazey. Contact with Mr. Blazey was unsuccessful.

Meeting called to order at 8:15 p.m.

**Courtney Flora, Attorney; McCullough, Hill, Fikso, Kretschmer, Smith
Representing Bellevue School District (8:15 p.m.)**

Position is to proceed at this time.

Mr. Ron Santi (8:16 p.m.)

Mr. Santi read from prepared statement (Attachment A) and Email, dated August 9, 2004 (Attachment B). Mr. Santi respectfully asked Council to correct one error in hopes that everyone can look forward to a new school and put everything behind them.

Councilmember Vall-Spinosa inquired if Mr. Santi would accept construction of the school building with the original setbacks. Mr. Santi agreed since there was no other mitigation and the Council stated throughout the evening that they were comfortable with the setbacks that were represented.

John Amanat, Capital Construction Manager, Bellevue School District (8:25 p.m.)

Project met requirements for ordinances, which were reviewed and approved by City Council for schools located in the City of Medina. Among these ordinances included setback requirements in residential areas and public rights of way. The issue here is which site plan was approved. Mr. Amanat rebutted email presented by Mr. Santi (Attachment B) and indicated the discussion pertained primarily to the site plan as submitted. He believes the City Council voted that evening on what was presented and what was before them; the original submittal package. He requested the City to not grant the reconsideration.

Councilmember Adam questioned Mr. Amanat if accepting the setbacks would create any problems for the School District. Mr. Amanat indicated that restricting the setbacks further than outlined in City Ordinance might present problems in future if the building needs to be moved to accommodate for grading issues.

Discussion followed.

MOTION BY VALL-SPINOSA, SECOND ADAM TO CONSIDER RECONSIDERATION (8:50 P.M.). MOTION RESCINDED (8:51 P.M.)

Rebuttal presented on behalf of Mr. Amanti (8:51 p.m.).

Ms. Flora requested and was granted time to confer with colleagues before proceeding with rebuttal (8:53 p.m.).

Meeting ordered back in session by Mayor Odermat (8:57 p.m.).

Ms. Flores concerned about public notice issues raised by considering revised site plan here tonight in terms of substantive action on the reconsideration motion. The technical position of the School District is that if the council is to adopt the revised site plan tonight, they couldn't do so without providing public notice. This raises concerns with the construction schedule. The clients have decided to stipulate to the revised site plan.

Imad Bahbah, Project Manager; McGranahan Architects (9:00 p.m.)

Mr. Bahbah clarified westerly setbacks.

MOTION BY VALL-SPINOSA, SECOND ADAM TO GRANT MR. SANTI'S APPLICATION FOR RECONSIDERATION, FOLLOWING DISCUSSION, THE MOTION PASSED UNANIMOUSLY AT 9:03 P.M.

MOTION VALL-SPINOSA, SECOND ADAM TO GRANT APPLICANT SPECIAL USE PERMIT WITH BUILDING SETBACKS AS FOLLOWS: 95 FEET FROM NORTH, 50 FEET FROM SOUTH, 330 FEET FROM EAST AND 85 FEET FROM WEST AND ALL OTHER CONDITIONS COULD REMAIN AS STATED IN DECISION (9:09 P.M.). FOLLOWING DISCUSSION, MOTION APPROVED 4-1, COUNCILMEMBER PHELPS OPPOSED AT 9:24 P.M.

Mid-Year Financial Report (9:26 p.m.)

City Manager, Schulze, reviewed financial reports included with packet. Discussion followed.

Mr. Schulze offered to provide Councilmember Adam a permit report in response to questions related to year-to-date permit activity.

Emergency Preparedness expenses have exceeded budget and require future discussion with Council.

Discussion followed.

Consider Resolution Adopting City Position on SR-520 Project (9:52 p.m.)

Councilmember Rudolph addressed Public Works Director, Shel Jahn's, SR-520 Discipline Reports memo.

Mr. Jahn addressed the two-page handout Councilmember Rudolph was referring to. He advised the City of Medina not to be "a cooperating agency". The Discipline Report review is a closed process. The preliminary draft Environmental Impact Statement (EIS) is due June 2005 and will be open to public view. Mr. Jahn will receive Discipline Reports leading up to this date, but is unable to share or comment.

Discussion followed.

COUNCIL CONVEYED NO OBJECTIONS WITH STAFF CONTINUING TO SUBMIT COMMENTS. DECISION REGARDING CITY POSITION ON SR-520 PROJECT WAS DEFERRED UNTIL FURTHER INFORMATION AND VISUALS ARE MADE PUBLIC.

Consider Ordinance Clarifying City Manager Contracting Authority (10:20 p.m.)

This ordinance was discussed at the June 28, 2004 City Council Study Session to clarify City Manager's delegation of authority in order to reduce burden and meeting time on City Council to take action on minor and routine contracts. Ordinance in no way eliminates Council from seeing contracts or agreements. In fact, it requires the Council to be provided copies of these items within ten days. This ordinance is something most other cities do to clarify the authority of the City Manager for contracts and agreements.

During the June 28, 2004 Study Session, the Council asked City Attorney, Wines, to make revisions. Advised revisions to ordinance include:

Section 1-A-5: Phrase "risk management" was replaced with "damage"

Section 1-A-11: Rewritten completely

Section 3: Added to repeal Resolution number 42

Discussion followed.

MOTION BY PHELPS, SECOND RUDOLPH TO ADOPT CITY MANAGER AUTHORITY ORDINANCE WITH THE FOLLOWING CHANGES: ITEM 5, REPLACE THE WORD "AND" WITH "INCLUDING"; AND ITEM 7, DELETE THE WORDS "PER YEAR". MOTION PASSED 4-1, COUNCILMEMBER ADAM VOTED IN OPPOSITION. (10:52 PM)

Consider Resolution Adopting Benefit Plan for Management Employees (10:53 p.m.)

City Manager, Schulze, distributed handout comprised of responses received from other cities when inquired about benefit plans for management employees. Mr. Schulze suggested waiting to further discuss issue after city manager attends upcoming WCMA Conference Wednesday, August 11th through Friday August 13th.

ITEM DEFERRED TO SEPTEMBER 13, 2004 REGULAR SESSION CITY COUNCIL MEETING.

Discussion followed.

Discussion of Meeting Minute Content (11:01 p.m.)

City Manager, Schulze, addressed Councilmembers as to what they expect of the minutes and discussed three approaches used to record meeting minutes. Action item minutes would identify actions and motions. Meetings are always available on audio to councilmembers and the public. Recordings are kept indefinitely.

THE CONSENSUS OF THE COUNCIL WAS ACTION ITEM MINUTES, INCLUDING TIMESTAMPS FOR ACTIONS AND VOTES, RECORDED BY COUNCILMEMBER NAME. FURTHER COMMENTS WOULD BE TRANSCRIBED TO RECORD EXACT STATEMENT, IF REQUESTED DURING MEETING. ADDITIONALLY, THE ESSENCE OF CITIZEN COMMENT DURING PUBLIC HEARINGS WILL BE RECORDED INTO MINUTES.

Discussion of Request for Support of King County Library Ballot Measure (11:12 p.m.)

Mr. Schulze, requested Council take “no action” on ballot measure, primarily due to difference in opinion of whether or not cities and towns should be a part of library system and whether or not the citizens should be subject to the library levy. This is a political topic and many citizens have varying positions.

Discussion followed.

Public comment

Mr. Henry Paulman; 1415 – 80th Ave NE (11:15 p.m.)

Mr. Paulman agrees with Mr. Schulze’s opinion and would like to see the City of Medina follow in the footsteps of Yarrow Point and Hunt’s Point and withdraw from the system.

COUNCIL AGREED TO TAKE A “NO ACTION” POSITION.

Discussion of City Manager Performance Evaluation Process (11:17 p.m.)

Item deferred to August Study Session Council Meeting to include participation from absent councilmembers.

Review of City Council Agenda Calendar (11:19 p.m.)

Next Study Session Council Meeting to include:

- Councilmember Rudolph’s presentation on jet noise
- Public Works Director, Shel Jahn’s, presentation on Medina Beach Project
- Discussion of City Manager Performance Evaluation Process
- Compensation Study

Agenda items for September 13th Regular Session Council meeting:

- Consider Resolution Adopting Benefit Plan for Management Employees (City Manager, Schulze)
- Tree Code housing keeping discussion. (Planning Director, Joseph Gellings)
- ARCH requested time on agenda for funding request for project it is proposing. It is requesting all ARCH cities to participate. (City Manager, Schulze)

October Study Session recommended for:

- Community Design Inventory (Planning Director, Joseph Gellings)

Public will be invited to attend discussion related to budget during October 11, 2004 City Council meeting. Meeting will be open to include public comments related to budget.

Dog Ordinance will not be addressed at this time. Recommendation is to revisit issue next year (11:35 p.m.).

Discussion followed.

NEW BUSINESS:

(11:46 p.m.) Councilmember Rudolph discussed email created by Maron's and forwarded by Mr. Santi (and others) throughout community. The email contained misrepresentations as to the City's interest in the Rose property and also contained misrepresentations as to intent and actions of the City Council with regard to this matter. Mr. Rudolph drafted a possible article for the newsletter. Five of six councilmembers approved article for newsletter. Councilmember Vall-Spinosa suggested removing last two paragraphs.

Discussion followed.

City Attorney, Wines, advised that since there is not a strong Council consensus, the letter should not be released from the City. Individual members can make individual statements.

(12:28 a.m.) Location of Public Works Trailer.

Mayor Odermat opened discussion of issue and expressed concern about occupancy in the public right of way in a temporary structure. Mr. Jahn informed council that the trailer is not in the public right of way.

City Manager, Schulze, has determined at a staff level that there is no other location for the trailer at City Hall.

Mr. Schulze expressed that the image of Medina residents is important and placing a trailer in front of City Hall is inappropriate. The image of Medina should be portrayed in its public facilities.

Idea revisited from previous meeting to divide council chambers for Mr. Jahn and Mr. Gellings. Council meetings could be moved to another location, perhaps contract a space with Overlake Golf and Country Club or Clyde Hill.

Discussion followed.

CITY MANAGER DIRECTED TO CONTACT OVERLAKE GOLF AND COUNTRY CLUB AND CITY OF CLYDE HILL REGARDING TEMPORARY USE OF MEETING SPACE.
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EXECUTIVE SESSION:

None.

ADJOURNMENT:

MOTION AND SECOND TO ADJOURN MEETING AND CARRIED UNANIMOUSLY AT 12:41 A.M.
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The meeting adjourned at 12:41 a.m.

Mayor Mary Odermat

Attest:

Rachel Baker, Administrative Assistant